

From a [Vote Solar press release](#):

## Farmington municipal utility withdraws anti-solar surcharge, refunds solar customers

Farmington, N.M. — On Tuesday, solar customers marked an additional win for clean-energy advocates and owners against unjust solar charges. In this most recent victory, solar customers [settled litigation](#) against the Farmington municipal utility, Farmington Electric Utility System. The plaintiffs include Vote Solar and 11 FEUS customers with solar systems. The FEUS is owned and operated by the City of Farmington and serves about 46,000 customers. This settlement protects the rights of solar owners in Farmington.

The plaintiffs filed a lawsuit in the U.S. District Court for New Mexico on August 16, 2019, challenging illegal and discriminatory charges FEUS imposed on customers with their own solar panels. Initially, the District Court dismissed the litigation in February 2020, holding that the plaintiffs should have filed their claims in state court. However, on June 28, 2021, the Tenth Circuit Court of Appeals held that the District Court was wrong and reinstated the case in federal court. Several months later in response, FEUS suspended and eventually withdrew the solar charge, further agreeing to refund the plaintiffs from the illegal solar charge. Refunds to the 11 solar customer plaintiffs totalled nearly \$20,000.

“It’s too bad that we had to sue Farmington to convince it to stop charging illegal fees to all customers who install solar,” said **Farmington solar customer David Fosdeck**. “Now that the city finally reversed course after 5 years and agreed to refund the illegal charges it collected, more folks in the community will be able to generate their own energy from the sun.”

“I invested in solar because I’ve seen how relying on fossil fuels has polluted this community’s air and brought worsening droughts and more intense wildfires to this region,” said **customer Mike Eisenfeld**. “Thanks to Earthjustice taking our case, my neighbors can now make the same choice without paying discriminatory fees. It’s unfortunate that Farmington incurred over \$600,000 in legal fees trying to defend their indefensible solar fees. That money would have been better spent on innovative renewable energy projects for the community.”

FEUS, like many monopoly utilities, used an anti-residential-solar playbook by the Edison Electric Institute, the Washington DC-based lobbying organization for monopoly utilities, outlining how to undermine customer solar and preserve the utilities’ monopoly profits. In response, many utilities across the country adopted or proposed discriminatory charges on solar customers. However, solar customers and solar advocates challenged the utilities in courts. Despite being out-resourced, solar customers and solar advocates have been overwhelmingly successful in thwarting anti-solar charges. In addition to the victory in Farmington:

Solar customers are currently suing the Alabama Public Service Commission for approving Alabama Power’s discriminatory charges for solar customers.

In November 2021, the Arizona Corporation Commission rejected Arizona Public Service Corporation’s proposal to continue its “Grid Access Charge” that was imposed only on solar customers, finding the charge discriminatory and unjustified.

In February 2021, the Kansas Corporation Commission rejected a grid access charge proposed by Westar Energy, after the Kansas Supreme Court rejected a prior discriminatory charge on solar customers in an April, 2020 decision.

In May 2019, the Michigan Public Service Commission rejected a charge on solar customers proposed by DTE Energy, finding the proposed charge unreasonable and inequitable.

In June 2018, the New Mexico Public Regulatory Commission canceled a charge on solar customers that an Xcel Energy subsidiary, Southwestern Public Service Company, had collected since 2012.

In 2017, Dallas-based Oncor agreed to a settlement with solar parties in which the utility withdrew its proposal to impose a charge on solar customers.

In November, 2017, the Minnesota Public Utility Commission rejected a solar charge by a cooperative utility in that state.

In November 2015, a Wisconsin court reversed a discriminatory charge imposed on solar customers by We Energies subsidiary Wisconsin Electric Power Company.

“New Mexicans are on the frontlines of the climate and economic crisis, suffering from extreme temperatures, wildfires and rising prices. Solar allows people to take control back and power their homes in a clean, reliable way,” said **Rick Gilliam, Senior Regional Director, DER Regulatory Policy for Vote Solar**. “This settlement is more proof that utilities’ cannot hold back solar with discriminatory tariff design. State legislatures, Governors, public utility commissions and courts in red, blue, and purple states across the country have rejected utility efforts to stifle solar with spurious solar charges.”

Clean-energy advocates’ victories against utilities unwilling to adjust to the new reality. These successes demonstrate the pressure from the public for utilities to accept the expansion of solar energy.

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